

## AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for bicycles and motorized bicycles, with penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Section 302.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.020, to read as follows:

302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or

motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person;

(5) Authorize or knowingly permit a bicycle as defined in section 307.080, RSMo, or a motorized bicycle as defined in section 307.080, RSMo, owned by such person or under such person's control to be driven upon any highway by any person under sixteen years of age who is not wearing the protective headgear required pursuant to subsection 3 of this section, or to be ridden in by a passenger who is under sixteen years of age and who is not wearing the protective headgear required pursuant to subsection 3 of this section.

2. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Every person under sixteen years of age operating or riding as a passenger on any bicycle as defined in section 307.080, RSMo, or motorized bicycle as defined in section

307.080, RSMo, upon any highway of this state shall wear protective headgear at all times such bicycle or motorized bicycle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director. As used in this subdivision the term "passenger" includes any person under sixteen years of age who is riding in a trailer or semitrailer attached to a bicycle or motorized bicycle.

4. The failure of a person under sixteen years of age to wear the protective headgear required on a bicycle as defined in section 307.080, RSMo, or motorized bicycle as defined in section 307.080, RSMo, or the failure of a person to prevent a person under sixteen years of age from operating or being a passenger in a bicycle as defined in section 307.080, RSMo, or a motorized bicycle as defined in section 307.080, RSMo, may not be considered evidence of negligence or contributory negligence.

5. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a class C misdemeanor [and the]. Any person convicted of violating subdivision (5) of subsection 1 of this

section is guilty of a class C misdemeanor. The penalty for  
failure to wear protective headgear as required by [subsection]  
subsections 2 or 3 of this section is an infraction for which a  
fine not to exceed twenty-five dollars may be imposed.

Notwithstanding all other provisions of law and court rules to  
the contrary, no court costs shall be imposed upon any person due  
to [such] a protective headgear violation. No points shall be  
assessed pursuant to section 302.302 for a failure to wear such  
protective headgear.

6. The court shall dismiss the charge against a bicycle or  
motorized bicycle rider or passenger for a first violation of  
subsection 3 of this section upon proof of purchase of bicycle or  
motorized bicycle protective headgear that complies with the  
standards and specifications required in subsection 3 of this  
section.